

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner objected to the specification as failing to provide support for claims 33 and 34 and rejected claims 1-34 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,970,127 to Rakib ("Rakib").

Applicant amends the specification to update the cross-references to related application nos. 10/646,714, 10/646,716, 10/646,809, and 10/646,685. Applicant amends claims 1, 15, 22, 27, 33, and 34. No new matter has been added. Claims 1-34 remain pending.

Applicant respectfully traverses the objection to the specification. The Examiner seems to assert that the specification does not provide proper support for "computer-readable medium," as recited in claims 33 and 34. Office Action at 2. Applicant disagrees.

Claims 33 and 34 each recite, among features, a computer-readable medium including instructions for performing a method. Fig. 2 shows a non-limiting representation of an exemplary disclosed gateway 120. Gateway 120 includes, among other features, a digital core having a processor 205 and memories 210 and 215. The specification at page 10, paragraph 35 explains that:

[p]rocessor 205 may represent one or more microprocessors that execute software to perform the gateway features of the present invention. Memory 210 may represent one or more memory devices that temporarily store data, instructions, and executable code, or any combination thereof, used by processor 205. Memory 215 may represent one or more memory devices that store data temporarily during operation

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

of gateway 120, such as a cache memory, register devices, buffers, queuing memory devices, and any type of memory device that maintains information. Memories 210 and 215 may be any type of memory device, such as flash memory, Static Random Access Memory (SRAM), and battery backed non-volatile memory devices.

Such memory devices are known in the art to be types of computer-readable media. Therefore, Applicant respectfully requests that the Examiner withdraw the objection to the specification.

Applicant respectfully traverses the rejection of claims 1-34 under 35 U.S.C. § 102 as being anticipated by Rakib. Rakib can anticipate claims 1-34 only if each and every element as set forth in claims 1-34 is found in Rakib. Further, "the identical invention must be shown in as complete detail as is contained in the . . . claims." M.P.E.P. § 2131. Rakib fails to anticipate claims 1-34 because Rakib does not disclose or suggest each and every element recited in claims 1-34.

Independent claim 1 recites a system including, among other features, a "work machine." Rakib fails to disclose or suggest at least a system including a "work machine," as required by claim 1.

The M.P.E.P. provides that Applicant is entitled to be Applicant's own lexicographer, and that "where an explicit definition is provided by the applicant for a term, *that definition will control interpretation of the term as it is used in the claim.*" Italics added. M.P.E.P. § 2111.01 (IV). Indeed, "[w]hen the applicant states the meaning that the claim terms are intended to have, *the claims are examined with that meaning*, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. Italics added. In Re Zletz, 893 F.2d, 319, 321, 13 USPQ2d

1320, 1322 (Fed. Cir. 1989). The words of a claim are not to be given a meaning *inconsistent with the specification.*" Italics added. M.P.E.P. § 2111.01(I).

Applicant's specification defines the term "work machine" as follows:

*A work machine, as the term is used herein, refers to a fixed or mobile machine that performs some type of operation associated with a particular industry, such as mining, construction, farming, etc. and operates between or within work environments (e.g., construction site, mine site, power plants, etc.). A non-limiting example of a fixed machine includes an engine system operating in a plant, off-shore environment (e.g., off-shore drilling platform). Non-limiting examples of mobile machines include commercial machines, such as trucks, cranes, earth moving vehicles, mining vehicles, backhoes, material handling equipment, farming equipment, marine vessels, aircraft, and any type of movable machine that operates in a work environment.*

Italics added. Specification at p. 6, ¶22.

Rakib discloses gateways for use in *home networks*. Rakib, col. 1, ll. 18-20. Fig. 1 of Rakib shows a home gateway 10 interconnecting a variety of peripherals, such as a remote control 30, a home computer 40, a fax machine 42, a VCR 38, a network , a TV 34, computer 44, a video camera 46, a telephone 48, and modem 13. Rakib, col. 4, ll. 52-55 and col. 7, ll. 51-59. The gateway 10 is in communication with a headend 12 configured to provide media content (e.g., cable TV broadcast 26) to the home gateway 32 in response to commands input to remote control 30. Rakib, col. 7, ll. 18-34.

However, Rakib does not contemplate a system including a "work machine," as recited in independent claim 1. That is, none of the devices contained in Rakib's home network and serviced by gateway 10, nor the gateway 10 itself, conform to Applicant's stated meaning of "work machine" as set forth in the specification. Rather, these

devices are clearly *inconsistent* with Applicant's definition, usage, and intended meaning of "work machine."

For example, at page 3 of the Office Action, the Examiner equates the local area network (LAN) 28 of Rakib to the "work machine" recited in claim 1. The LAN 28 serves to connect the above-mentioned peripherals to the gateway 10. Rakib, Fig. 1 and col. 7, ll. 24-26. Applicant respectfully submits that LAN 28 cannot reasonably be considered a "work machine" in view of Applicant's definition and use thereof in the specification.

Therefore, even if the remainder of the Examiner's characterization of Rakib is correct, which Applicant does not concede, Rakib does not disclose or suggest a "work machine" as recited in independent claim 1. Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 102 as being anticipated by Rakib, and that claim 1 be given a proper construction in view of Applicant's definition and use of "work machine" set forth in the specification, as recited in the M.P.E.P.

Claims 2-14 depend from claim 1, and include all of the features thereof. Dependent claims 2-14 therefore distinguish from Rakib for at least the same reasons that independent claim 1 distinguishes from Rakib. Dependent claims 2-14 may also recite unique features not disclosed by the prior art. Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-14 under 35 U.S.C. § 102 as being anticipated by Rakib.

Independent claims 15 and 33 recite a method for managing communications in an environment including a work machine, and a computer-readable medium including instructions for performing a method for managing communications in an environment including a work machine, respectively, each of the methods comprising, among other features:

sending the response to a target device over the first data link, wherein the first data link is either one of the on-board data links or one of the off-board data links and the source device is either one of the on-board modules or one of the off-board systems.

As discussed above in connection with claim 1, Rakib does not contemplate a system including a system including a “work machine.” Thus, Rakib cannot disclose or suggest communication methods involving modules or data links located on-board or off-board a “work machine,” as recited in independent claims 15 and 33. Applicant respectfully requests that the Examiner withdraw the rejection of claims 15 and 33 under 35 U.S.C. § 102 as being anticipated by Rakib, and that claims 15 and 33 be given a proper construction in view of Applicant’s definition and use of “work machine” set forth in the specification, as required by the M.P.E.P.

Claims 16-26 depend from claim 15, and include all of the features thereof. Dependent claims 16-26 therefore distinguish from Rakib for at least the same reasons that independent claim 15 distinguishes from Rakib. Dependent claims 16-26 may also recite unique features not disclosed by the prior art. Applicant respectfully requests that the Examiner withdraw the rejection of claims 16-26 under 35 U.S.C. § 102 as being anticipated by Rakib.

Independent claims 27 and 34 recite a method for managing communications in an environment including a work machine, and a computer-readable medium including instructions for performing a method for managing communications in an environment including a work machine, respectively, each of the methods comprising, among other features:

providing the formatted request to the first of the off-board systems over the first data link, wherein the Web page [maintained by the gateway and serviced by a Web server application] content includes information associated with the operation of the work machine and is updatable with information received from at least one of the on-board modules and a second of the off-board systems.

As discussed above in connection with claims 27 and 34, Rakib does not contemplate a system including a “work machine,” nor communication methods involving modules or data links located on-board or off-board the work machine. In addition, Rakib also fails to disclose at least a Web page, maintained by the gateway, that includes “information associated with the operation of the work machine and is updatable with information received from at least one of the on-board modules and a second of the off-board systems,” as recited in claims 27 and 34. None of the devices contained in Rakib’s home network “[maintain] a Web page serviced by a Web server application,” as recited in claims 27 and 34.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 27 and 34 under 35 U.S.C. § 102 as being anticipated by Rakib, and that claims 27 and 34 be given a proper construction in view of Applicant’s definition and use of “work machine” set forth in the specification, as required by the M.P.E.P.

Claims 28-32 depend from claim 27, and include all of the features thereof. Dependent claims 28-32 therefore distinguish from Rakib for at least the same reasons that claim 27 distinguishes from Rakib. Claims 28-32 may also recite unique features not disclosed by the prior art. Applicant respectfully requests that the Examiner withdraw the rejection of claims 28-32 under 35 U.S.C. § 102 as being anticipated by Rakib.


In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By:  (Philip J. Hoffman)  
A-1 46,340  
Elizabeth M. Burke  
Reg. No. 38,758